

## **Legislative Bulletin.....December 15, 2009**

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### **H.R. 1517 – To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years to be converted to a permanent appointment in the competitive service (*Engel, D-NY*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1517 would authorize U.S. Customs and Border Protection (CBP) in the Department of Homeland Security to change the employment status of certain employees to a permanent appointment in the competitive service. This pertains to employees that have completed at least 2 years of successful continuous service under 1 or more overseas limited appointments.

Employees who are converted shall be held harmless from any claim that arises as a result of that employee exercising official duties. Converted employees will also be held harmless in cases when the individual would have not been liable had that individual held the same privileges and immunities in the foreign country as someone who was a permanent employee, or was not a permanent resident at the time of the event.

**Committee Action:** H.R. 1517 was introduced on March 16, 2009, and referred to the House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism. A markup was held on November 17, 2009. H.R. 1517 was also referred to the House Oversight and Government Reform Subcommittee on Federal Workforce, Post Office, and the District of Columbia, which took no public action.

**Cost to Taxpayers:** According to CBO, enacting H.R. 1517 would have no significant cost to the federal government. H.R. 1517 would not change the salaries or significantly alter the benefits of the converted employees. CBO further estimates that this legislation would apply to 35 employees who began service with the former Immigration and Naturalization Service.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 3978 - First Responder Anti-Terrorism Training Resources Act (Rogers, R-AL)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** This legislation amends Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2009 (6 U.S.C. 1102) to allow the Secretary of Homeland Security to accept gifts that they would not be otherwise allowed to accept by current law. These gifts may be real and personal property, services (including guest lecturers), that are related to preparedness for and response to terrorism.

The Secretary shall yearly report to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs on any gifts that were accepted, how those gifts contribute to the mission of the Center for Domestic Preparedness, and the amount of Federal savings that were generated by the gifts.

**Committee Action:** H.R. 3978 was introduced on November 2, 2009 and was referred to the House Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response. A markup was held on November 3, 2009 and the bill was adopted, without amendment, by unanimous consent.

**Cost to Taxpayers:** CBO estimates that this legislation would have no significant cost over the next five years. Because the gifts would be non-monetary, they estimate that there would be no significant affect on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.Res. 894 - Honoring the 50th anniversary of the recording of the album "Kind of Blue" and reaffirming jazz as a national treasure.  
(Conyers, D-MI)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 894 resolves that the House of Representatives:

- “Honors the 50th anniversary of ‘Kind of Blue’ and recognizes the unique contribution the album has made to American jazz;
- “Directs the Clerk of the House of Representatives to transmit enrolled copies of this resolution to Columbia Records;
- “Encourages the United States Government to take all appropriate steps to preserve and advance the art form of jazz music;

- “Recommits itself to ensuring that musical artists such as Miles Davis and his Sextet receive fair protection under the copyright laws of the United States for their contributions to culture in the United States; and
- “Reaffirms the status of jazz as a national treasure.”

The resolution contains a number of findings, including:

- “On August 17, 1959, Miles Davis, Jimmy Cobb, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane, and Julian ‘Cannonball’ Adderley collaborated to record the album ‘Kind of Blue’;
- “‘Kind of Blue’ ranks 12th on the list of the ‘500 Greatest Albums of All Time’ published by Rolling Stone magazine;
- “In 2008, the Recording Industry Association of America awarded ‘Kind of Blue’ quadruple-platinum status, meaning 4,000,000 copies of the album had been sold;
- “‘Kind of Blue’ was recognized as the bestselling record in the history of jazz; and
- “‘Kind of Blue’ continues to be the standard masterpiece of jazz for American musicians and audiences.”

**Committee Action:** H.Res. 894 was introduced on November 15, 2009, and referred to the House Judiciary Committee, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures. This resolution does request that the Clerk of the House transmit enrolled copies of this resolution to Columbia Records.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **S. 1472— Human Rights Enforcement Act of 2009 (*Sen. Durbin, D-IL*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** The bill adds a section to Chapter 31 of title 28 of the US Code to enforce human rights laws. Some highlights of the bill include the following:

- Establishes, not later than 90 days after enactment, a section within the Criminal Division of the Department of Justice to enforce the laws against suspected participants in serious human rights offenses;
- Authorizes a newly created office to take appropriate legal action against those suspected of participating in human rights offenses, and authorizes the section to coordinate any legal action with the US Attorney for the relevant jurisdiction;
- Authorizes the Attorney General to consult with the Secretary of Homeland Security and the Secretary of State;
- Defines “serious human rights offenses” as those relating to genocide, torture, war crimes, or the recruitment of child soldiers; and
- Adds language stating that anyone who attempts or conspires to commit an offense under this act shall be punished in the same manner as a person who completes the offense.

**Committee Action:** S. 1472 was introduced on July 20, 2009, and referred to the Senate Committee on the Judiciary. The bill passed the Senate by unanimous consent on November 21, 2009.

**Cost to Taxpayers:** According to CBO, “Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects also would not be significant.”

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes. The bill establishes a new section within the Department of Justice.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** Although the bill contains no earmarks, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.Res. 150 - Expressing the sense of the House of Representatives that  
A. Philip Randolph should be recognized for his lifelong leadership and  
work to end discrimination and secure equal employment and labor  
opportunities for all Americans. (*Rangel, D-NY*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 213 resolves that:

- “A. Phillip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.”

The resolution lists a number of findings, including:

- “A. Philip Randolph was the cofounder of The Messenger in 1917, a widely read and respected magazine known for its radical persuasion;
- “A. Philip Randolph was the leader of the successful movement to organize the Pullman Company (one of the most powerful businesses in the Nation) which led to the formation of the Brotherhood of Sleeping Car Porters (BSCP), an organization that advanced the claims of African-Americans to dignity, respect, and a decent livelihood;
- “A. Philip Randolph was able to gain an international charter from the American Federation of Labor (now AFL-CIO) after Franklin Roosevelt's New Deal legislation forced the Pullman Company to negotiate with the Brotherhood, and was able to successfully negotiate the first-ever contract between a company and a black union, in 1937;
- “A. Philip Randolph was, in 1947, a leader in the movement to end segregation in the military and called for African-Americans to refuse to register for the draft until these practices were ended and was successful in this effort, which saw President Truman issue an executive order barring discrimination in the military on July 26, 1948;
- “A. Philip Randolph was the leading force behind the March on Washington for Jobs and Freedom and worked with many old friends and foes of his earlier labor struggles to ensure the success of the event, which took place on August 28, 1963, drew a crowd of over 250,000 people, and was the occasion of a meeting with President Kennedy and Dr. Martin Luther King, Jr.”

**Committee Action:** H.Con.Res. 213 was introduced on November 17, 2009, and referred to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 1110 — Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2009 (*Scott, D-VA*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill. Similar legislation passed the House of Representatives in the 110th Congress by a vote of 413-1 on March 21, 2007, and in the 109th Congress by voice vote.

**Summary:** H.R. 1110 would make it a federal crime to modify caller identification (ID) information with the intent to defraud or deceive another person. Violators may be fined, imprisoned for up to five years, or both. The bill provides an exception for law enforcement activities. The bill also requires a court, upon conviction of a violation of this provision, to require forfeiture any equipment used for the offense, and any real property or monetary gain obtained by the offense. The bill also expands the definition of telephone call to mean a call made or received using any real time voice communications service, regardless of the technology or network used.

**Committee Action:** H.R. 1110 was introduced on February 23, 2009, and referred to the House Committee on the Judiciary. The bill was marked up and reported out of committee by voice vote on November 2, 2009. See the committee report [here](#).

**Cost to Taxpayers:** According to CBO, “enacting the bill could affect direct spending and revenues, but any such effects would not be significant.”

**Does the Bill Expand the Size and Scope of the Federal Government?** As noted above, it would create a new federal crime.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1110 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.



**Constitutional Authority:** Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 3 of the Constitution (the commerce clause).

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## **H.Res. 905 - Recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court (*Yarmuth, D-KY*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 905 resolves that the House of Representatives:

- “Recognizes the 70th anniversary of Justice Louis D. Brandeis's retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and
- “Directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.”

The resolution contains a number of findings, including:

- “Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court;
- “Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives;
- “Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students; and
- “Justice Brandeis resigned from the Supreme Court 70 years ago in 1939.”

**Committee Action:** H.Res. 905 was introduced on November 16, 2009, and referred to the House Judiciary Committee, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures. This resolution does request that the Clerk of the House make available enrolled copies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.



**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 4194 - Law Student Clinic Participation Act of 2009 (Lungren, R-CA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009 under a motion to suspend the rules and pass the bill.

**Summary:** The bill exempts qualifying law school students participating in legal clinics or externships from conflict of interest rules under section 205, title 18.

Section 205 makes it a crime for federal government employees, or employees of the District of Columbia, to provide legal assistance to individuals who have cases against the United States or cases adverse to a substantial U.S. interest.

The bill continues to prohibit actual conflicts of interest involving the parties. For example, a law student could not take the case if the matter is pending in the department or agency of the government in which the student is serving.

**Additional Background:** Current law does not protect law students or legal clinic staff, who are government employees, from criminal penalties if they are involved in pro bono clinics that represent individuals whose claims are adverse to the federal or DC government. As a result, many law students do not participate in cases that provide them with an educational opportunity to learn about different types of cases.

**Committee Action:** The bill was introduced on December 3, 2009 and referred to the House Committee on the Judiciary which took no further official action.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** No CBO score is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Although the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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### **H.R. 1147 - Local Community Radio Act (Rep. Doyle, D-PA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1147 directs the Federal Communications Commission (FCC) to repeal the three-clicks-away restriction requirements on the operation of low-power FM stations. In 2000, Congress passed legislation to limit new community radio stations (operating with a capacity that generate signals less than 100 watts) from being located within three clicks away on both sides of the FM dial from commercial broadcasters. The concern was that if the signals were too close, the low power station could potentially cause interference between FM radio stations.

The legislation allows the FCC to retain its rules that provide third-adjacent channel protection for full-power non-commercial FM stations that broadcast radio reading services via a subcarrier frequency from potential low-power FM station interference. Additionally, the bill requires the FCC to ensure "licenses are available to both FM translator stations and low-power FM stations" and "decisions are made based on the needs of the local community."

**Additional Background:** In 2000, the FCC authorized a new community radio service called low-power FM (LPFM) to "enhance locally focused community-oriented radio broadcasting." Congress delayed the full implementation of LPFM until a study could be reviewed, however, the FCC granted broadcasting licenses to over 800 stations despite the congressional action. A 2004 FCC study concluded that "Congress should readdress this issue and modify the statute to eliminate the third-adjacent channel distance separation requirement for LPFM stations." The FCC still has not acted on this recommendation.

**Conservative Concerns:** With the Obama Administration’s apparent desire to reinstitute the “Fairness Doctrine,” some conservatives have expressed concern over how the FCC may define how equal access is provided on LPFM stations. The legislation also grants the FCC broad discretion in granting a license and determining the needs of a local community. Some conservatives would argue a federal entity should have no authority in determining what constitutes a “local need.” The bill tacitly grants the FCC the authority to potentially suppress opinions or favor one political agenda over another when granting licenses.

Additionally, the National Association of Broadcasters (NAB) [testified](#) that a study conducted by their organization concluded that that “interference did in fact result from an LPFM station operating on a third adjacent channel. At various test sites, significant degradation was found during listening. Some full power FM programs had static.”

**Committee Action:** On February, 24, 2009, the bill was introduced and referred to the Committee on Energy and Commerce. On October, 8, 2009, the subcommittee on Communications, Technology, and the Internet held a mark-up and was subsequently forwarded to the full committee by a voice vote. On October, 14, 2009, the full committee held a mark-up and ordered the bill reported by a voice vote.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, the administrative costs of processing additional license applications would be negligible and that there would be no change in the FCC’s offsetting collections because noncommercial entities do not pay fees for such licenses.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, according to CBO, the bill could impose a private-sector mandate. According to the FCC, 15 low-power FM radio stations are currently licensed to broadcast on frequencies within two channels of another channel. If any of those existing licenses were to be invalidated, the bill would impose a private-sector mandate.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is technically not required because the bill is being considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority was not available.

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## **H.R. 1084—Commercial Advertisement Loudness Mitigation Act (Rep. Eshoo, D-CA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** The bill would require the Federal Communications Commission (FCC) to create a standard that places a cap on the volume level of television commercials within one year of enactment. Specifically, the regulation will require that:

- “Advertisements accompanying such video programming shall not be excessively noisy or strident;
- “Such advertisements shall not be presented at modulation levels substantially higher than the program material that such advertisements accompany;
- “The average maximum loudness of such advertisements shall not be substantially higher than the average maximum loudness of the program material that such advertisements accompany.”

**Additional Background:** According to the committee, the FCC has received [consumer complaints](#) about commercials being louder than television shows since the 1960s. In the 25 quarterly reports on consumer complaints released by the FCC since 2002, 21 have listed as a top complaint the loudness of television commercials.

**Conservative Concerns:** Some conservatives have expressed concern that the legislation sets a bad precedent by placing a government mandate on the private-sector for a problem that is not overly serious. Consumer and public pressure should be enough to encourage the private-sector to remedy the problem on their own. According to the Advanced Television Systems Committee, the industry has developed a standard that is “starting to minimize the problem.”

Additionally, some operators have argued that the problem is complex because of the many entities involved in distributing content. The bill could subject firms to penalties on something over which they had little or no control.

**Committee Action:** On February, 23, 2009, the bill was introduced and referred to the Committee on Energy and Commerce. On October, 8, 2009, the subcommittee on Communications, Technology, and the Internet held a mark-up and the legislation was subsequently forwarded to the full committee by a voice vote. On October, 19, 2009, the full committee held a mark-up and ordered the bill reported by a voice vote.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** “CBO estimates that implementing H.R. 1084 would have no significant impact on the federal budget.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, the bill will require television broadcast stations, cable operators, and other distributors of television programming to meet the standards adopted by the FCC. The cost to those entities would depend on the method used to comply with the mandate. According to information from industry sources, the cost of equipment that controls the volume of programming ranges from a few thousand dollars to about \$20,000 per device. Based on information from the FCC and industry sources, CBO expects that several thousand entities would have to comply with the mandate.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is technically not required because the bill is being considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority was not available.

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**H.Res. \_\_ - Expressing the sense of the House of Representatives  
regarding guidelines for breast cancer screening for women ages 40  
to 49 (*Wasserman Schultz, D-FL*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. \_\_ resolves that it is the sense of the House of Representatives that:

- “The guidelines of the United States Preventive Services Task Force (“USPSTF”) would not prohibit an insurer from providing coverage for mammography services in addition to those recommended by the USPSTF and should not be used by insurers to deny coverage for services that are not recommended on a routine basis; and
- “The National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving detection of breast cancer.”

The resolution contains a number of findings, including:

- “The United States Preventive Services Task Force(USPSTF), an independent panel of experts in primary care prevention and evidence-based medicine, issued

- guidelines on November 16, 2009, regarding mammography screening for women, including women age 40 to 49;
- “These guidelines reflect a change from USPSTF mammography recommendations issued in 2002;
  - “The new guidelines have caused concern among many health providers and confusion among many women age 40 to 49;
  - “The Department of Health and Human Services has stated that while the USPSTF has presented some new evidence for consideration, the policies of the Department remain unchanged; and
  - “The Department of Health and Human Services has stated that there is a great need for more evidence, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer.”

**Committee Action:** H.Res. \_\_ was introduced on December 15, 2009 and was referred to the House Committee on Energy and Commerce, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 3714 – Daniel Pearl Freedom of the Press Act of 2009 (Schiff, D-CA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 8, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 3714 amends the Foreign Assistance Act of 1961 to require that the Department of State’s annual Country Reports on Human Rights include specified freedom of the press information.

This legislation establishes a grant program that will be administered by the Department of State’s Bureau of Democracy, Human Rights and Labor along with the Undersecretary

for Public Affairs and Public Diplomacy. This legislation states that grants should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, by promoting a legal framework for freedom of the press, or by providing regionally and culturally relevant training in order to meet international standards. Grants may be awarded to nonprofit and international organizations and may go for up to five years.

**Additional Information:** H.R. 3714 was included in H.R. 2410, the Foreign Relations Authorization Act, which passed the House on June 10, 2009 by a [vote](#) of 235 - 187 and has been referred to the Senate Committee on Foreign Relations.

**Committee Action:** H.R. 3714 was introduced on October 1, 2009 and was referred to the House Foreign Affairs Committee, which took no public action.

**Cost to Taxpayers:** A CBO report is unavailable. This bill does authorize “such sums as may be necessary” to carry out this legislation.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 2194— Iran Refined Petroleum Sanctions Act of 2009 (*Berman, D-CA*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, December 15, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** The bill amends the Iran Sanctions Act of 1996 in the following ways, which would make it easier to expand the range of conduct subject to sanctions:

- Requires the President to impose sanctions if he determines that a person has knowingly, on or after the date of enactment, made an investment of \$20 million or more (or any combination of investments of at least \$5 million each which



- equals \$20 million in a 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources;
- Requires the President to impose sanctions if he determines a person knowingly sells, leases, or provides any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum products if the value of the goods, services, etc. exceeds \$200,000, or exceeds \$500,000 in a 12 month period; and
  - Requires the President to impose sanctions if he determines that an individual provides ships, vehicles, or other means of transportation to deliver refined petroleum products to Iran (subject to the same amounts described above).

The bill also does the following:

- Directs the President to prohibit transactions in foreign exchange by the sanctioned person; transfers of credit or payments between, by, through, or to any financial institution; and transactions involving property in which the sanctioned person has any interest subject to jurisdiction of the U.S.
- Requires that each executive agency ensures each contract entered into with an individual (i.e. for a grant), includes a clause requiring the person to certify to the contracting officer that the person does not conduct any activity related to enhancing Iran's petroleum resources. Should the person break this certification, he or she will be suspended from eligibility for federal contracts for up to 15 years;
- Requires the President to investigate a person upon receipt of credible information that the person is engaged in sanctionable activity;
- Amends the standard for the President to waive sanctions under the Iran Sanctions Act to "vital to the national security interest of the United States" as the standard;
- Requires additional reporting on Iran's use of Iranian diplomats and representatives of other governments across the world to promote acts of international terrorism or to sustain Iran's nuclear, chemical, biological, and missile weapons programs;
- Directs the President to report to the appropriate congressional committees, within 90 days of enactment and every six months thereafter, regarding anyone who has been involved with Iran's refined petroleum resources;
- Requires the President to transmit a report on the dollar value amount of trade, including the energy sector, between Iran and each country maintaining membership in the Group of Twenty Finance Ministers and Central Bank Governors; and
- Amends the ISA to expand the definition of "person" to include financial institution, insurer, underwriter, and other business enterprises.

**Additional Background:** Iran depends significantly on revenue from energy exports. Despite past sanctions such as the Iran and Libya Sanctions Act of 1996 (referred to now as the Iran Sanctions Act, or the ISA), which has been renewed for five-year periods twice since its enactment, Iran continues to develop its nuclear program. For these

reasons, tougher sanctions are necessary to force Iran to cease its program. This bill closes loopholes regarding investigations of activities eligible for sanctions.

**Committee Action:** H.R. 2194 was introduced on April 30, 2009, and referred to the House Committees on Foreign Affairs; House Financial Services; House Oversight and Government Reform; and House Ways and Means. The House Foreign Affairs Committee then marked up the bill and reported it out of committee by voice vote.

**Cost to Taxpayers:** According to CBO, “Enacting the bill would not affect direct spending or revenues. However, the bill would increase spending subject to appropriation to cover the costs of employing additional staff to gather and analyze information, provide advisory opinions, write reports, and administer blocked property. Based on information provided by the Department of State, CBO estimates that those costs would be about \$2 million a year.”

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes. The bill increases the number of enforceable sanctions by the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** Yes. According to CBO, “By extending and expanding sanctions under the Iran Sanctions Act, the bill could impose private-sector mandates as defined in UMRA on entities in the United States that engage in transactions with businesses or countries sanctioned under that act.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** H.R. 2194 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

**Constitutional Authority:** The [committee report 111-342](#) cites article I, section 8 of the U.S. Constitution.

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